Single Bench

(1)

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 4522**/2004**

PETITIONER : Tuleshwar Kumar Deshlahre,
aged 24 Years,
S/o Bharat Das Deshlahre,
R/o Tulsipara, Rajnandgaon
Distt. Rajnandgaon (C.G.)

P.R. No. 4580
Presented by Shri Chikhehar
dated 1/11/04

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through Secretory
Health & Family welfare
Department, D.K.S. Building
Raipur (C.G.)

2. Chief Medical & Health Officer
Rajnandgaon Distt.
Rajnadgaon (C.G.)

3. Secretary
District Aids Control Union
Rajnadgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

(24)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 45-22 **सन्** 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक व आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

09/02/2005: -

Shri Goutam Ketrapal learned counsel for the petitioner.

Heard on I.A. No.9070 of 2004 which is an application for urgent hearing.

The matter is taken up on Board. Hence, I.A. No.9070 of 2004 stands disposed of.

Heard learned counsel for the petitioner.

The case of the petitioner is that on 20/10/1994 one advertisement (Annexure-P/1) was published by the Secretary, Zila AIDS Niyantran Samiti, district Rajnandgaon (CG) according to which contract appointments were to be made for the post of Lab Technician. The advertisement shows that out of three posts to be filled up one post was reserved for general lady candidate and two posts were reserved for scheduled castes candidates. The petitioner being a member of scheduled caste applied for the said post. However, by subsequent advertisement dated 05/11/2004 (Annexure-P/5) a correction was made in the first advertisement and it was stated that due to the clerical error in place of scheduled tribe (Anusuchit Janjati Varg), the word Scheduled caste (Anusuchit Jati) was mentioned which is corrected and in place of 'Anusuchit Jati', the words 'Anusuchit Janjati' should be read accordingly. Previously the last date for receiving the applications was 01/11/2004 but by subsequent correction the last date for receiving the applications was also extended to 17/11/2004.

(25)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 4522 **सन्** 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Learned counsel appearing for the petitioner submits that such a change was not possible in accordance with law because according to the first advertisement, the candidates belonging to scheduled caste have sent their applications and when the second advertisement/correction publication came on 05/11/2004, their applications become infructuous because the persons of their category were not required.

I have heard learned counsel at length.

After perusal of the document Annexure-P/5 i.e. subsequent publication dated 05/11/2004, it transpires that due to some clerical error in the first publication, the word 'Anusuchit Jati' was mentioned in place of word 'Anusuchit Janjati' which in fact comes as an explanation by the Secretary. Learned counsel has not taken any such ground that in fact the posts were reserved for the candidates of scheduled castes and ultimately they have been changed for the candidates of scheduled tribes. He has also not pointed out any such rule which may show that in fact the subsequent correction was made in contravention of the roster prescribed for reservation. In the opinion of this Court, as explained vide Annexure-P/5 the clerical error has been corrected by the department by subsequent publication which does not give any cause of action in favour of the petitioner to file instant petition. The petition has no merit. It is dismissed without notice to the other side.

Sd/-
Sunil Kumar Sinha
Judge

Brajesh.